

REMARKS

The office action of January 30, 2008, has been carefully considered.

It is noted that claims 3 and 5-9 are objected to for containing various informalities.

Claim 1 is rejected under 35 U.S.C. 103(a) over the patent to Nassar et al. in view of the patent to Hwang.

Claims 2 and 10 are rejected under 35 U.S.C. 103(a) over Nassar et al. and Hwang, and further in view of the patent application of Copf.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) over Nassar et al. and Hwang, and further in view of the patent application of Martin.

Claim 6 is rejected under 35 U.S.C. 103(a) over Nassar et al., Hwang and Martin, and further in view of the patent application of White.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) over Nassar et al., Hwang and Martin, and further in view of the patent to Rauscher.

In view of the Examiner's objections to and rejections of the claims, applicant has canceled claims 5 and 6, and amended claims 1, 7 and 8.

Applicant has amended the claims to correct the informalities pointed out by the Examiner. Thus, is respectfully submitted that the objection to claims 3 and 5-9 as containing informalities is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, applicant submits that they do not teach or suggest a construction in which the anchoring part has a first part and a second, wherein the second part, in an implanted state, can be rotated relative to the guide stem about an axis that is perpendicular to the longitudinal axis of the neck of the femur. In White the second part (body component 14)

BE-165

is fixable in different positions on a first part (stem component 12) by a third component (sleeve 16). However, in the implanted state these parts of White are fixed together and are not rotatable. There is no teaching by White of movability of the prosthesis in the implanted state, as in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejections of claims 1, 2 and 5-10 under 35 U.S.C. 103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By 

Klaus P. Stoffel
Reg. No. 31,668
For: Friedrich Kueffner
Reg. No. 29,482
317 Madison Avenue, Suite 910
New York, New York 10017
(212) 986-3114

Dated: April 30, 2008